

(6) Any vehicle owned or leased by the City of New Britain.

(Ord. No. 28181-2, 9-14-04)

Sec. 15-148. Operations prohibited.

- (a) Notwithstanding any other provision of this Code, any person who operates any motor scooter, minibike, pocket bike or bicycle with a helper motor on any portion of any public or private street shown on the official map of the city, including the sidewalk area of any such street, or on any other public property, including schools, playgrounds and parks, within the City of New Britain, shall be fined ninety dollars (\$90.00).
- (b) Any person who rides as a passenger on any motor scooter operated in violation of the above shall be fined fifty dollars (\$50.00).
- (c) Whenever any police officer observes any person in violation of this section, he or she may detain such person for purposes of the enforcement of this section and may remove such motor scooter to a secure area pending a disposition of such property by court order or otherwise by law.

(Ord. No. 28181-2, 9-14-04; Res. No. 28659-2, 8-18-05)

Chapter 16 OFFENSES AND MISCELLANEOUS PROVISIONS*

***Cross references:** General penalty for Code violations, § 1-115; alcoholic beverages, Ch. 4; massage establishments business regulations, § 14-106 et seq.; motor vehicles and traffic, Ch. 15; police, Ch. 20.

- Art. I. In General, §§ 16-1--16-20
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ARTICLE I. IN GENERAL

Sec. 16-1. Damage to property prohibited; generally.

No person shall injure, deface or soil any public or private property, real or personal.

(Code 1970, § 15-13)

Sec. 16-2. Reserved.

Editor's note: An ordinance of December, 1985, repealed § 16-2, concerning restriction of

plantings near street lines, as derived from § 15-14 of the 1970 Code and an ordinance of January, 1982.

Sec. 16-3. Destruction of property; reward.

- (a) *Limit on amount.* The council may, by resolution, offer a reward not to exceed one thousand five hundred dollars (\$1,500.00) for information leading to the prosecution, arrest and conviction of any person who has injured or damaged real or personal property located within the city. Any person providing information leading to the prosecution, arrest and convictions of any person who has injured or damaged real or personal property located within the city shall receive a reward of five hundred dollars (\$500.00).
- (b) *Affidavit.* The person claiming the reward shall receive payment from the city after producing an affidavit from the chief prosecuting officer of the superior court that he or she furnished the information leading to the prosecution, arrest, and conviction of the defendant in question.
- (c) *Investigator ineligible.* Any person who is employed to acquire or furnish such information to the proper authorities shall be ineligible for such a reward.
- (d) *Definitions.* For the purposes of this section, "damaged" real or personal property includes property to which graffiti has been applied. "Graffiti" shall, for the purposes of this section, mean any marking left by spray paint, ink marker, adhesive material or some similar means forming some identifying name, message or picture incongruous with the general decorative scheme or usual form of the structure, object or surface upon which is appears.

(Code 1970, § 2-3; Ord. of 9-70; Ord. of 10-72; Ord. of 10-00; Ord. of 7-01)

Sec. 16-4. Care of city vehicles.

All city vehicles shall be locked up when not being driven on duty, to curb vandalism and wilful damage to radio equipment, and a record shall be kept of all city vehicles as to driver, condition of vehicle, service, if any, in order to check the driver's responsibility and to eliminate vandalism and wilful damage. A notice of this section shall be placed in all vehicles owned by the city.

(Code 1970, § 2-3A; Ord. of 6-73)

Sec. 16-5. Acceptance of bribe by city officer or contractor with city.

- (a) No person holding any public office in the city or standing in any contractual relationship with the city shall accept or agree to accept any favors or anything of value offered to pervert his judgment, corrupt his conduct, or influence his behavior with respect to this office or relationship.
- (b) No person shall offer any favors or anything of value in the circumstances described in paragraph (a) of this section.
- (c) This provision shall be construed to include the accepting of any gifts or anything of value which might be reasonably construed as influencing the public office holder's

judgment, conduct or acts.

(Code 1970, § 15-1)

Sec. 16-6. Abandoned or discarded refrigerators, etc.

- (a) No person shall keep any ice box, refrigerator or other container which has an airtight door or lid, no longer used for the purpose of refrigeration, in any location where it might be accessible to children unless the door catch or locking device has been removed or otherwise rendered inoperative.
- (b) No person shall dispose of any ice box or refrigerator unless the provisions of paragraph (a) of this section have been observed, except where a sale or trade-in is involved.

(Code 1970, § 15-6)

State law references: Similar provisions, G.S. § 53-215.

Secs. 16-7--16-20. Reserved.

ARTICLE II. ALARM SYSTEMS

DIVISION 1. GENERALLY

Sec. 16-21. Intent and purpose.

It is the intent and purpose of this article to provide minimum standards and set forth regulations applicable to users and installers of burglar, hold-up and automatic telephone dialer alarm systems within the city; to require permits therefor and to provide penalties for noncompliance.

It is the further intent to reduce the number of false alarms occurring within the city and the resulting waste of city resources by providing for corrective administrative action, including fees, disconnection of services, and civil penalties.

The provisions of this chapter become effective on July 1, 2003, and shall apply to all alarm users, businesses, employees and alarm systems which are installed, connected, monitored, operated or maintained on or prior to the date on which this section became effective, and subsequent thereto.

(Ord. of 9-82, § 1; Ord. of 12-89; No. 27319-1, 3-12-03)

Sec. 16-22. Definitions.

As used in this article:

Alarm administrator means individual or individuals designated by the mayor to issue permits and enforce the provisions of this title.

Alarm business means any persons engaged in the business of selling, installing, planning the installation, assisting in planning the installation, servicing, maintaining, monitoring, repairing, replacing, moving or removing alarm systems in the city.

Alarm dispatch request means a notification to the city's public safety telecommunications center by the alarm business that an alarm, either manual or automatic, has been activated at a particular alarm site.

Alarm site means a single premises or location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multitenant building or complex, shall be considered a separate alarm site.

Alarm system means any mechanism, equipment, or device which is designated to detect an unauthorized entry into any building or onto any property, or to direct attention to a robbery, burglary, or other emergency in progress, and to signal the above occurrences either by a local or audible alarm or by a silent or remote alarm. The following devices shall not constitute alarm systems within the meaning of this subsection:

- (1) Devices, which do not register alarms that are audible, visible, or perceptible outside the protected premises;
- (2) Devices which are not installed, operated or used for the purpose of reporting an emergency to the city's public safety telecommunications center;
- (3) Alarm devices installed on a temporary basis by the police department.

Alarm user means the person, occupant, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof wherein an alarm system is maintained.

Apartment building means any building containing two (2) or more rental units.

Automatic dialing device means an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice-message indicating the existence of an emergency situation that the alarm system is designed to detect.

Central station means an office to which alarm systems are connected, where operators supervise the circuits on a continuous basis, and where there is a subsequent relaying of such messages by a live voice to the city's public safety telecommunications center.

Duress alarm means a silent alarm signal generated by the manual activation of a device intended to signal a crisis situation requiring police response.

Emergency means the commission or attempted commission of a robbery, burglary, other criminal act or fire.

Employee means any person who is employed by an alarm business and who sells, installs, services, maintains, repairs, or replaces alarm systems in the city.

Enhanced verification is the attempt by monitoring personnel to verify that no emergency exists, at the monitored premises, by means of more thorough procedures such as two (2) verification calls, live audio or video, cross zoning, other means or a combination of these procedures.

False alarm means the activation of an alarm system, which results in an arrival at the alarm site by the police department where an emergency does not exist. It includes an alarm signal caused by conditions of nature, which are normal for that area. "False alarm" does not include an alarm signal caused by extraordinarily violent conditions of nature such as tornadoes, floods and earthquakes.

High occupation density facility means a university, hospital or convalescent type facility which services in excess of one hundred seventy-five (175) individuals on a regular basis.

Holdup alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

Intrusion alarm system means an alarm system signaling an entry or attempted entry into the area protected by the system.

Local alarm means any alarm device audible at the alarm site.

Panic alarm means an alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

Permittee means the person to whom an alarm user permit is issued.

Person means and includes natural persons, without regard to number or gender, and any partnership, corporation, and any other type of legal entity.

Private guard responder means a private guard company, an alarm company's guard, an alarm user, or a person or entity appointed by an alarm user to be responsible to confirm that an attempted or actual crime has occurred at an alarm site.

(Ord. of 9-82, § 2; Ord. of 12-89; Ord. of 5-90; No. 27319-1, 3-12-03)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 16-23. To be installed by licensed person in accordance with technical regulations.

It is unlawful for any person to engage directly in the installing, servicing, maintaining, repairing, moving or removing, in or on any building or other property within the city, any intrusion, duress or other emergency alarm system, or monitoring and relaying calls for such system, unless such person satisfies all the requirements set forth in accordance with the building and electrical codes and the licensing board of the state.

(Ord. of 9-82, § 3(2); Ord. of 12-89; No. 27319-1, 3-12-03)

Sec. 16-24. Automatic telephone dialing device; prohibition; sunset.

- (a) The use of automatic telephone dialing devices by users for the purposes covered under this article is prohibited as of October 1, 1999.
- (b) Users having an automatic telephone dialing device shall comply with section 7-282b of the general statutes of the state (as may from time to time be amended) applying at least ten (10) days prior to anticipated installation.
- (c) Effective immediately, no new permits shall be issued for automatic telephone dialing devices. Automatic telephone dialing device is defined as any system which automatically dials the police, fire, or public safety telecommunications center department(s) and then relays any prerecorded message to report any robbery, burglary or other emergency.

(Ord. of 9-82, § 3(3); Ord. of 12-89; Ord. of 4-7-99; No. 27319-1, 3-12-03)

Sec. 16-25. User instructions.

Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on premises located in the area subject to this chapter shall furnish the user with written instructions and training that provide information to enable the user to operate the alarm system properly and avoid false alarms. Written operating instructions and the phone number of the monitoring station, shall be maintained at each alarm site. The alarm business shall notify the alarm user of the permit requirements and this alarm article. Any alarm business including monitoring companies who report active alarm conditions to the public safety telecommunications center is required to provide secondary verification prior to requesting police response services and/or when requested by the city.

(Ord. of 9-82, 3(4); Ord. of 12-89; No. 27319-1, 3-12-03)

Sec. 16-26. Direct connections to police headquarters and fire emergency reporting center.

- (a) Direct connections between alarm users and the police or fire departments or public safety telecommunications center shall be prohibited except as authorized herein. Direct connections between the police or fire departments and those alarm companies which receive prior approval for such direct connections shall be terminated as of October 1, 1999, except as authorized herein.
- (b) High occupation density facilities are authorized to directly connect its fire alarm systems to the city's public safety telecommunications center provided they continue to utilize a monitored secondary means of notification and have twenty-four (24) hour on-site security. An annual fee for each facility having a direct connection to the fire department shall be two hundred fifty dollars (\$250.00) and notice of such connection or installation shall be provided in writing at least ten (10) days prior to such connection or installation.
- (c) The city shall not be liable for any defects in operation of any signal line system, for any failure or neglect to respond appropriately, upon receipt of an alarm from such source, for any failure or neglect of any person in connection with the installation, service, maintenance, managing, monitoring, disconnecting or removal of equipment, the transmission of alarm signals or the relying of such signals of messages.

(Ord. of 9-82, § 3(5); Ord. of 12-89; Ord. of 4-7-99; No. 27319-1, 3-12-03)

Sec. 16-27. Owner or lessee to maintain system.

Each owner or lessee, at his expense, is required to maintain all components of his alarm system in good working order at all times to ensure that the sensory mechanism used in connection with such device is adjusted to suppress false indications of hold-ups or intrusions or fire or smoke conditions so that the device will not be activated by impulses due to short flashes of light, wind, noise and vehicular noises unrelated to genuine alarms.

(Ord. of 9-82, § 3(6); Ord. of 12-89; No. 27319-1, 3-12-03)

Sec. 16-28. Testing not to be conducted without prior permission of director of public safety telecommunications center.

No alarm system designed to transmit emergency messages directly to the police or fire departments or public safety telecommunications center shall be tested without first obtaining permission from the director of the public safety telecommunications center.

(Ord. of 9-82, § 3(7); Ord. of 12-89; No. 27319-1, 3-12-03)

Sec. 16-29. Public safety indicator panel for direct connections.

- (a) For direct connections, there shall be indicator panel(s) which shall meet the specifications and requirements of the director of the public safety telecommunications center. Such panel(s) shall be installed and maintained by the alarm equipment supplier at no cost to the city.
- (b) The number of indicators mounted in such panel shall be limited as the director of the public safety telecommunications center may deem practical and within the capacity of the communications center to monitor adequately.

(Ord. of 9-82, § 3(8); Ord. of 12-89; No. 27319-1, 3-12-03)

Sec. 16-30. Signal duration limiting device required.

All alarm systems as defined in this article which sound an audible signal which may be heard outside the protected premises shall be equipped with a device which shall limit the duration of such audible signal to not more than fifteen (15) minutes. This is in accordance with section 22a-69-5.1 of the administrative regulations of the department of environmental protection of the state (as may, from time to time, be amended).

(Ord. of 9-82, § 4(3); Ord. of 12-89; No. 27319-1, 3-12-03)

Sec. 16-31. Alarm activation/false alarms (fines).

An alarm user may have one (1) false alarm incident in any calendar year without suffering any penalties except as herein specified. Any user whose system causes two (2) false alarms in any calendar year shall be fined the sum of fifty dollars (\$50.00) for the second false alarm and eighty dollars (\$80.00) for any subsequent false alarm. The following procedures shall be employed to effectuate the purpose of this section:

- (1) Each time that an employee of the city of New Britain is dispatched to a location to respond to an alarm, the ranking attending member of the responding department shall complete an "alarm incident report".
- (2) If such alarm was a false alarm, as determined by the individual responding, such fact shall be noted on such report in a conspicuous place.
- (3) A copy or summary, notice of alarm incident reports shall be submitted to the alarm administrator and the city of New Britain finance department.
- (4) A record shall be kept of all alarm incident reports in each calendar year in order that the general effectiveness of such systems may be analyzed and monitored.

and so that systemic problems can be identified and corrected.

- (5) Any false information provided to the alarm administrator or to the public safety telecommunications center by an alarm user, central station, alarm company or private guard responder is a criminal offense under the Connecticut general statutes.
- (6) A ninety dollar (\$90.00) penalty per incident shall be charged to a central station or alarm company for each request for police or fire response from an alarm where no valid alarm user permit is provided to police dispatch by the central station. Police response to duress alarms shall be limited to alarms originating from a stationary building structure.
- (7) In the case of false alarms, the following procedure shall be followed:
 - a. *First false alarm in any calendar year.* The alarm user shall be sent a notice that a false alarm incident occurred in regard to his system. Such notice shall urge the user to have his system checked and/or to employ greater care in the future. The alarm user shall be responsible for false alarms caused by any person having authorized access to the premises from the alarm user.
 - b. *Second false alarm in any calendar year.* The alarm user shall be sent a notice that a second false alarm has been received and that, pursuant to the provisions of this article, the user must transmit to the city finance department the sum of fifty dollars (\$50.00) as a fine for violation of this article. If such fine is not paid within twenty-one (21) days from the date of notice, the user's alarm permit shall be revoked and, to the extent permitted by law, his alarm system shall be disconnected from the monitoring system. An additional fee of ten dollars (\$10.00) shall be due for any late payments. In addition, the city may use such lawful means as are available to collect such penalties. In the event the city files an action in court to recover such penalties, the city shall be entitled to recovery of its costs and attorney fees in addition to the penalties due and owing.
 - c. *Second and subsequent false alarms in calendar year.* In any case involving a second or subsequent false alarm in any calendar year, the user, in addition to paying the fine as established herein, may be required by the alarm administrator to certify that his system has been checked by an independent licensed alarm service to ensure proper operation. Such certification shall bear the signature of the individual servicing the alarm who shall certify that the system is operating correctly and that all defects have been corrected.
 - d. In the event the fine or penalty is assessed against a city department or the board of education, the director of finance is authorized to deduct said fine or penalty from the budget of the city department and/or board of education.
 - e. The alarm administrator may implement a false alarm prevention course. The course shall inform alarm users of the problems created by false alarm dispatches and how users may operate an alarm system without generating false alarm dispatches. Users who complete the course shall

be issued a certificate worth the dismissal of one (1) false alarm penalty of up to ninety dollars (\$90.00). No permittee shall be entitled to take such course and receive a penalty waiver more than once per year.

- f. If an alarm system installed, or caused to be installed, by any tenant in an apartment building is monitored by an alarm business, the tenant shall provide to the alarm administrator the name of a representative of the apartment building owner or property manager who can grant access to the rental unit by police officers responding to an alarm dispatch. Such tenant shall obtain an alarm permit from the alarm administrator before operating or causing the operation of an alarm system in the tenant's rental unit.

A tenant who has contracted with an alarm business to monitor an alarm system at the tenant's alarm site shall be responsible for false alarm dispatches emitted from the alarm system at such alarm site.

- g. All central stations or other answering services shall provide the public safety telecommunications center, at the time of filing the alarm report with the alarm user's permit number, with a toll-free telephone number for contacting the central station dispatchers and for obtaining the information required under this chapter.
- h. No person shall cause to be transmitted any intrusion or physical duress alarm knowing the same to be false or without basis in fact. Central stations shall not request law enforcement officers to respond to alarm scenes when monitoring equipment indicates an alarm system malfunction signal.
- i. Alarm businesses who request police response to alarm signals shall maintain a record of all police calls, stating the time, date and location of the alarm and the name, address and phone number of the alarm user. The records shall indicate the cause of the alarm, if known. This record shall be current and shall be made available to the city's public safety telecommunications center at any time during normal business hours.

(Ord. of 9-82, § 5; Ord. of 12-89; No. 27319-1, 3-12-03; Ord. No. 28269-2, 11-18-04)

Sec. 16-32. Appeal procedures.

- (a) The mayor shall appoint such hearing officers as he or she deems appropriate to consider matters relating to violations of this chapter.
- (b) Any alarm user shall have ten (10) business days from the date of the city's written notice of a penalty assessment under this chapter to request in writing by filing a sworn and notarized "security alarm fine objection statement" with the town and city clerk an appeal hearing before such hearing officer. The filing of an appeal with the town and city clerk shall stay the assessment of additional penalties for that violation until the hearing officer makes a final decision. The burden to prove any matter shall be upon the person raising such matter. It shall not be a defense to any penalty assessment that: 1) the false alarms were the result of faulty or malfunctioning equipment; 2) the false alarms were caused by electrical surges; or 3) the false alarms were caused by the fault of another person during noncriminal incidents. The hearing officer shall render a decision within

ten (10) days after the appeal hearing is concluded. Following issuance of such decision, additional penalty assessments shall accrue until paid, as provided in this chapter. These forms will be available in the office of the town and city clerk. Hearings will be scheduled in late afternoon, if possible, to accommodate work schedules of the appellants. The filing of an appeal shall toll any fines and/or penalties until the decision is rendered by the hearing officer.

- (c) If the hearing officer finds that no violation of this chapter occurred, or that a violation occurred but one or more of the defenses set forth in this section is applicable, the hearing officer may dismiss the penalty and release the alarm user from liability thereunder, or may reduce the penalty associated therewith as he or she shall determine. Such defenses are:
1. The false alarm for which the penalty has been assessed did not originate at the premises of the alarm user who has been assessed the fee;
 2. The alarm for which the penalty has been assessed was, in fact, not false, but was rather the result of an actual or attempted burglary, robbery or other emergency;
 3. The public safety telecommunications center was notified by the permit holder or the alarm company that the alarm was false prior to the arrival of a peace officer to the subject premises in response to the false alarm; or
 4. Such other mitigating circumstances as may be approved by the city's office of corporation counsel.
- (d) If the hearing officer finds that a false alarm did occur and no applicable defense exists, the alarm administrator may, in the interest of justice and on behalf of the city, enter into an agreement for the timely or periodic payment of the applicable fees and penalties.

(Ord. of 9-82, § 8; Ord. of 12-89; No. 27319-1, 3-12-03)

Sec. 16-33. Liability.

The city shall not be liable for any defects in operation of any alarm systems, for any failure or neglect to respond appropriately upon the receipt of an alarm nor for the failure or neglect of any person registered or issued a permit pursuant to this chapter in connection with the installation, operation or maintenance of the equipment necessary to or incident to the operation of such system. In the event the city finds it necessary to order the system disconnected, the city shall incur no liability for such action.

(Ord. of 9-82, § 10; Ord. of 12-89; No. 27319-1, 3-12-03)

Sec. 16-34. Administration and enforcement.

The provisions of this chapter shall be administered and enforced by the director of the public safety telecommunications center. The director, or his or her authorized representative, is authorized to make inspections of burglar, robbery and other emergency alarm systems and of the premises wherein said devices or systems are located. Such individual shall have authority at reasonable times and upon oral notice to enter upon any premises within the city to undertake such inspections and to determine whether such systems are being used in

conformity with the provisions of this chapter.

Subject to the approval of the mayor, the director of the public safety telecommunications center, or his or her authorized representative, shall have power to make such reasonable rules and regulations as may, in the discretion of the director of the public safety telecommunications center, be deemed necessary to implement the provisions of this chapter.

(No. 27319-1, 3-12-03)

Sec. 16-35. Operational defects to be remedied.

- (a) *Annual inspection:* All alarm users shall have the user's alarm system inspected by an alarm business annually.
- (b) *Backup power supply:* All alarm systems shall have a sufficient backup power supply that will become effective in the event of power failure or outage in the source of electricity from the utility company. Said power supply shall last a minimum of three (3) hours.
- (c) *One plus duress alarms:* After July 1, 2003, no alarm business shall program alarm systems so they are capable of sending One Plus duress alarms. Alarm businesses may continue to report One Plus duress alarms received from alarm systems programmed with this feature prior to July 1, 2003. However, after July 1, 2003, when performing a takeover or conversion, an alarm business shall remove the One Plus duress alarm capability from the alarm system being taken over or converted. Violation of this section shall result in a civil penalty of fifty dollars (\$50.00) per incident.
- (d) *Duress alarm activating device:* After July 1, 2003, alarm companies shall not install a device for activating a duress alarm, which has a single action, nonrecessed button. Violation of this section shall cause a civil penalty of one hundred fifty dollars (\$150.00) per incident.
- (e) *Prevention of false alarms:* It is the responsibility of the alarm business and technician to prevent false alarms during installation, system repairs, or system service. Proper notification shall be made to the monitoring company that the system is in a test mode to avoid dispatching of law enforcement. Violation of this section shall result in a civil penalty of one hundred fifty dollars (\$150.00) per incident against the company employing the technician.
- (f) *Vision-obscuring device:* It is unlawful for any person to install or use an alarm system or device that emits or produces real or simulated smoke, fog, vapor or any like substance that obscures vision. Use of this device shall result in no police response.

(No. 27319-1, 3-12-03)

Sec. 16-36. Response priority.

The director of the public safety telecommunications center is authorized to lower the priority of any individual request for alarm response service where the number of false alarms for that service exceeds six (6) within any consecutive twelve (12) month period or where the alarm operator has unpaid fines and/or penalties which exceed fifty dollars (\$50.00). In addition, said director is authorized to refuse to provide response services to any location where the

alarm operator has unpaid fines and/or penalties which exceed ninety dollars (\$90.00) for more than ninety (90) days.

(No. 27319-1, 3-12-03; Ord. No. 28269-2, 11-18-04)

Sec. 16-37. Annual report.

The director of the public safety telecommunications center shall provide a report on alarm responses to the mayor and common council no later than the first regular meeting of the common council in March of each year. Said report is required to identify the number of alarm responses, the number of false alarm responses, fines/penalties assessed and paid, chronic alarm locations and the reduction of false alarms, if any, from the previous year.

(No. 27319-1, 3-12-03)

Sec. 16-38. Enhanced telephone verification of burglar alarm signals.

Enhanced verification. Enhanced verification is the attempt by monitoring personnel to verify that no emergency exists, at the monitored premises, by means of more thorough procedures such as two (2) verification calls, live audio or video, cross zoning, other means or a combination of these procedures.

- (1) *Procedure.* For alarm signals received from non-certificated commercial burglar alarm systems or any residential alarm system signal such as a burglar, duress or panic, the following procedures shall be followed:
 - a. *Call 1.* The monitoring facility shall attempt telephone verification to the protected premises after receipt of the alarm signal.
 - b. *Call 2.* If a monitoring facility operator gets a busy signal or no answer on the first call to the protected premises, a second call or calls shall be made to an alternate phone number such as a cellular, work or second number at the protected premises if such number is available.
 - c. *Answering machines.* If the first or second call reaches an answering machine a message should be left, clearly stating that it is the alarm company calling and leaving necessary information for the alarm user to promptly contact the monitoring facility.
 - d. *Person on premises without proper code.* If the operator reaches the protected premises on the first or second call and the person answering the phone does not have the proper pass code then the operator may attempt to make a 3-way call with the premises person retained as a party to the call. The 3-way call shall attempt to reach others on the call list to verify the authenticity of the person on the protected premises. If this process fails to resolve the issue then the operator should proceed to notify the dispatch authority.
 - e. *Scheduled events.* If an alarm signal is received in connection with a scheduled opening or closing event, additional numbers should be called on the call list in order to determine whether the alarm signal is caused by an opening or closing error.

- f. *Verified false.* If the alarm is verified as being false during the first, second or succeeding call as a result of getting a valid pass code, the operator shall suspend activities relating to the specific signal being worked.
 - g. *Notification call.* Call to the public safety telecommunications center.
 - h. *Call lists and priority:* Following notification of law enforcement authorities, attention shall be placed on completing the emergency call list with priority to achieve a cancellation of the dispatch if it is verified that no emergency exists. Subsequent to dispatch of a sworn officer, the priority of notification calls to phone numbers in the customer's data base shall be first to numbers where there is a high probability of reaching an alarm user; the succeeding calls shall be made next to neighbors, then to non-premises people such as relatives, or secondary key holders.
 - i. *Verification phone accessibility guideline.* Care shall be taken to verify that the emergency call list phone numbers are to phones without call waiting, or alternately that *70 is programmed in front of the monitoring center phone number in the electronic digital communicator. The verification phones at the monitored premises shall be accessible after hours (not locked up in an office), such as in the vicinity of commonly used entrances and they shall not be sent to voice mail after hours so the after hours users and cleaning people can hear and answer the phone.
 - j. *Additional methods.* Audio verification, video verification, cross zoning or other electronic verification mediums shall be permitted in place of or in addition to the second verification call and shall be considered in compliance with this enhanced verification standard.
- (2) Hold-up and panic alarm signals.
- a. *Commercial hold-up alarm.* Unless otherwise noted, the monitoring facility shall not call the protected premises but shall notify the authorities.

(No. 27319-1, 3-12-03)

Secs. 16-39, 16-40. Reserved.

DIVISION 2. USER'S PERMIT*

***Cross references:** Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 16-41. Registration required to operate an alarm business; alarm user permits.

- (a) It is unlawful for any person, partnership, corporation or association to own, manage, conduct or carry on the business of selling, leasing, installing, servicing, maintaining, repairing, replacing, moving or removing, or causing to be sold, leased, installed,

serviced, maintained, repaired, replaced, moved or removed in or on any building or other property within city any device known as an intrusion or physical duress alarm system, or automatic dialing device connected to an answering service, unless there exists a current state license therefor, granted and subsisting in compliance with the provisions of the Connecticut general statutes, and the name, address and license number or I.D. card number registered with the alarm administrator. Alarm users and/or alarm companies attempting alarm permit registration listing alarm or monitoring companies not currently licensed with the state shall not be issued a permit number.

- (b) Every alarm user shall have in his/her possession an alarm user permit issued by the director of the public safety telecommunications center. Such permit shall be issued upon filing by the user with the public safety telecommunications center a completed alarm permit application as provided for herein. A separate permit shall be required for each alarm site. The permit application shall be submitted to the alarm administrator prior to operation of the alarm system or prior to an existing system being taken over by a different alarm user or alarm company. The alarm user shall be responsible for the maintenance and operation of the alarm system. There will be fee of ten dollars (\$10.00) for any changes or modifications subsequently made to the permit. There will be no charge for key holder changes provided forms approved by the director of the public safety telecommunications center are utilized.
- (c) An alarm user permit shall continue in effect until there is a change in ownership of the alarm system, at which time the permit shall expire. An alarm business shall notify the alarm administrator of any alarm user who has canceled or otherwise terminated their alarm services with the alarm business. Alarm permits shall not be transferable.
- (d) An alarm permit application shall be completed by the user and submitted to the police department alarm administrator prior to the operation of the system.
- (e) This permit application shall set forth the full name, address and telephone number of both the owner or lessee on whose premises the system will be installed, operated, connected, monitored or maintained, and the name of the person of licensed alarm system business installing, monitoring, maintaining or servicing the system. The permit application shall further contain the names, addresses and telephone numbers of three (3) individuals who may be contacted by peace officers responding to an alarm. The persons listed shall have authority to act for the alarm user in granting peace officers access to any portion of the premises concerned and shall be knowledgeable in the basic operation of the alarm system. The alarm permit shall contain such additional information as the director of the public safety telecommunications center shall reasonably deem necessary to properly identify and locate the user, the alarm business installing, servicing, monitoring or maintaining the alarm system, and the persons to be contacted in the event of the filing of an alarm report.
- (f) The director of public safety telecommunications shall provide notice of issuance of a permit to the director of licenses, permits and inspections.

(Ord. of 9-82, §§ 3(1), 9; Ord. of 12-89; No. 27319-1, 3-12-03)

Sec. 16-42. Fees.

The fee for an alarm user's permit shall be twenty-five dollars (\$25.00) for a residence and fifty dollars (\$50.00) for a commercial establishment. Said fee shall be a one-time fee

payable at the time of the issuance of a permit. If a permit should be revoked or suspended under the provisions of this article, there shall be a reinstatement fee of five dollars (\$5.00) for a residence and ten dollars (\$10.00) for a commercial establishment.

(Ord. of 12-89; Ord. of 4-92; No. 27319-1, 3-12-03)

Sec. 16-43. Denial.

An alarm user's permit shall be denied if the installer has not complied with the aforementioned state licensing requirements and/or if the installer or alarm user has not complied with the state electrical and building codes.

(Ord. of 9-82, § 6; Ord. of 12-89; No. 27319-1, 3-12-03)

Sec. 16-44. Suspension and revocation of permit; appeal.

- (a) The following shall constitute grounds for suspension and revocation of an alarm user's permit.
 - (1) The violation of any of the provisions of this ordinance; or
 - (2) The failure to comply with standards or regulations pursuant to this article; or
 - (3) Where the applicant or permittee, his employees or agents, have knowingly made any false, misleading or fraudulent statements of material fact in the application for a permit, or in any report or record required to be filed with any city agency; or
 - (4) Failure to pay any fines or penalties assessed herein within ninety (90) days of notification of said fine and/or penalty; or
 - (5) Where the number of false alarms for a particular location exceeds ten (10) within any consecutive twelve (12) month period.
- (b) An alarm user may appeal any notice of false alarm incident, fine or permit decision affecting his denial, suspension or revocation status within ten (10) days of notification. Appeals shall be directed to the hearing officer in accordance with the provisions of section 16-32.

(Ord. of 9-82, § 7; Ord. of 12-89; No. 27319-1, 3-12-03)

Secs. 16-45--16-60. Reserved.

ARTICLE III. LOITERING AND TRESPASSING*

***Cross references:** Loitering after certain hours in public parks prohibited, § 17-53.

Sec. 16-61. Loitering generally.

- (a) *Definitions:*

Loitering shall mean remaining idle in essentially one location and shall include the concepts of spending time idly, loafing, or walking about aimlessly, and shall also include the colloquial expression "hanging around."

Public place shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, including parking garages and similar municipal facilities, but does not necessarily mean a place devoted solely to the use of the public.

(b) *Certain types of loitering prohibited.* No person shall loiter in a public place in such a manner as to:

- (1) Create or cause to be created a danger of a breach of peace;
- (2) Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
- (3) Obstruct the free passage of pedestrians or vehicles;
- (4) Obstruct, molest, or interfere with any person lawfully in any public place.

This paragraph shall include the making of unsolicited remarks of an offensive, disgusting, or insulting nature or which are calculated to annoy or disturb the person to, or in whose hearing, they are made.

(c) *Request to leave.* Whenever the presence of any person in any public place is causing any of the conditions enumerated in subsection (b), any police officer may order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.

(d) *Penalty.* Any person who violates any of the provisions of this section shall be subject to punishment as provided in section 1-15 of this Code.

(Code 1970, § 15-7; Ord. of 3-79; Ord. of 11-86)

Sec. 16-62. Loitering or trespassing on publicly owned property and utilities.

(a) No person shall trespass or loiter on any of the properties enumerated in paragraph (b) of this section, when such properties are posted with signs which have been approved by the chief of police as being sufficiently well designed and located as to apprise the public of the fact that the property is so restricted.

(b) The following properties shall be posted as provided in paragraph (a) of this section:

- (1) Every reservoir, dam, pumping station, aqueduct, main canal or pipe line of a public water system;
- (2) Every reservoir, dam, generating plant, receiving station, distributing station and transmission line of a company or agency furnishing electrical energy;
- (3) Every gas generating plant, compressor plant, gas holder, gas tank, and gas main used for the production, storage and distribution of gas;
- (4) Every plant or vital part thereof, including sewer mains, settling tanks and outfall sewers used for sewage disposal purposes;

- (5) Every plant or vital part thereof or other principal property essential to rendering telephone or telegraph service;
- (6) The non-public areas, as determined by the owners or operators, of radio and television broadcasting central plants or stations;
- (7) Every railroad bridge or tunnel.

(Code 1970, § 15-17)

Sec. 16-63. Activities excepted from article.

Nothing in this article shall be construed to prohibit the entry onto restricted property by any law enforcement officer as described in section 16-62, in the normal course of his duties. Nothing in this article shall be construed to interfere with any lawful activities of any labor union or other body of individuals in peacefully disseminating information to its members, to non-members or to the public generally.

(Code 1970, § 15-18)

Secs. 16-64--16-75. Reserved.

ARTICLE IV. WEAPONS*

***Cross references:** Carrying or discharging firearms within public parks restricted, § 17-52.

Sec. 16-76. Permit for carrying weapons.

Any person who has reasonable grounds for fearing an unlawful attack upon his person or upon any member of his family, may apply to the chief of police for a permit to carry a firearm. If such permit is granted, it shall be for a limited period of time only, and the issuance of this permit shall be entered in a record kept for this purpose by the chief of police.

(Code 1970, § 15-8)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

State law references: Carrying and sale of dangerous weapons, G.S. § 53-206.

Sec. 16-77. Discharging firearms prohibited; exceptions.

No person shall discharge any gun, pistol, cannon or other firearm of any sort or description within the city limits without a permit issued by the chief of police, or by order of a military officer on the occasion of military exercises or parades. The permit issued by the chief of police shall state the date, duration of such permit, and the name of the permittee. A record of such permits shall be kept by the chief of police in a book provided for this purpose.

(Code 1970, § 15-9)

State law references: Unlawful discharge, G.S. § 53-203.

Sec. 16-78. Sale or use of air rifles and slingshots prohibited.

No person shall carry, use or discharge within the city limits any slingshot, bow and arrow, or any air gun, air rifle or similar device for the discharge of shot, bullet or projectile by compressed air.

(Code 1970, § 15-10)

Sec. 16-79. Notice to police department of sale or entry of dangerous weapons.

- (a) *Sale.* Any person who sells to another a sling shot, air rifle, BB gun, blackjack, sandbag, metal or brass knuckles, dagger, or any dirk knife or any switch knife, or any knife having an automatic spring release device by which the blade is released from the handle, having a blade of more than one and one-half (1 1/2) inches in length, or stiletto shall within twenty-four (24) hours give written notice to the chief of police of such sale, describing the article sold and the name and address of the purchaser.
- (b) *Entry.* Any person who enters the city with any of the weapons described in paragraph (a) of this section shall report such possession in the manner required by paragraph (a).

(Code 1970, § 15-11)

State law references: Report required, G.S. § 53-206(b).

Sec. 16-80. Carrying concealed weapons.

- (a) No person shall wear under his clothes, or conceal upon or about his person any deadly or dangerous weapon including, but not limited to any pistol, dagger, metal knuckles, razor, slingshot, blackjack, sword or canegun. The provisions of this paragraph shall not apply to any person who is found with any such weapon or implement concealed upon his person while lawfully removing his household goods or effects from one place to another, or from one residence to another, nor to any person while actually and peaceably engaged in carrying any such weapon or implement from his place of abode or business to a place or person where or by whom such weapon or implement is to be repaired, or while actually and peaceably returning to his place of abode or business with such weapon or implement after the same has been repaired.
- (b) This section shall not apply to any law enforcement officer in the discharge of his duty.

(Code 1970, § 15-12)

State law references: Similar provisions, G.S. § 53-206(a).

Secs. 16-81--16-100. Reserved.

ARTICLE V. NOISE*

***Editor's note:** An ordinance adopted in January, 1996, repealed former Art. V, §§

16-101--16-107, relative to noise, and enacted a new Art. V to read as herein set out. The provisions of former Art. V derived from an ordinance adopted in June, 1985, and § 3 of an ordinance adopted in May, 1986.

Cross references: Creating disturbing noise on street prohibited, §§ 21-20, 21-21.

Sec. 16-101. Purpose.

It is recognized that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, safety or welfare or degrade the quality of their lives. This article is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of the city of New Britain through the reduction, control and prevention of noise.

(Ord. of 1-96)

Sec. 16-102. Definitions.

When used in this article, the terms below shall have the following meaning:

Audible: Sound having sufficient energy as to be heard by a natural person.

Background noise: Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

Business zone: Those areas so designated under business zone of the zoning ordinances of the City of New Britain.

Chief of police: The chief of police of the City of New Britain or a duly authorized officer subject to his/her order.

Construction: The assembly, erection, substantial repair, alteration, demolition or site preparation for or of public or private rights-of-way, buildings or other structures, utilities or property.

Construction equipment: Any equipment or device operated by fuel or electric power used in construction or demolition.

Daytime hours: The hours between 7:00 a.m. and 9:00 p.m. Monday through Saturday and the hours between 9:00 a.m. and 9:00 p.m. on Sunday.

Decibel: A unit of measurement of the sound level, the symbol for which is "db."

Demolition: Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

Emergency vehicle: Any motor vehicle authorized by any local authority to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency.

Emergency work: Work made necessary to restore property to a safe condition following an emergency or work required to protect persons or property from exposure to imminent changes.

Excessive noise: Any sound, the intensity of which exceeds the standard set forth in section 16-105.

His/her premises: Premises owned, controlled or otherwise occupied or used by the person in question.

Impulse noise: Sound of short duration, usually less than one second, with an abrupt onset and rapid delay.

Industrial zone: Those areas so designated under the industrial zone of the zoning ordinances of the City of New Britain.

Intrusion alarm: A device with an audible signal and which, when activated, indicates an intrusion by an unauthorized person.

Motor vehicle: A vehicle as defined in subdivisions (30) and (31) of section 14-1 of the Connecticut General Statutes, revision of 1958, as amended.

Nighttime hours: The hours between 9:00 p.m. and 7:00 a.m. Sunday evening through Saturday morning and between 9:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

Noise level: The sound-pressure level as measured with a sound-level meter using the A-weighting network. The sound level is designated "db(A)" or "db(a)."

Person: Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administration subdivision of the state or other legal entity of any kind.

Premises: Any building, structure, land or portion thereof, including all appurtenances, owned, controlled or otherwise occupied or used by a person.

Property line: That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned and controlled by another person and which separates real property from the public right-of-way.

Public right-of-way: Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad, or similar place which is owned or controlled by a government entity.

Residential zone: Those areas so designated under residential zone of the zoning ordinances of the City of New Britain.

Sound: A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alteration in pressure or position of particle in the medium and which, in air, evoke physiological sensations, including but not limited to an auditory response when impinging on the ear.

Sound-level meter: An instrument used to measure sound levels. A "sound-level meter" shall conform, at a minimum, to the American National Standards Institute operation specifications for sound level meters S1.4-1971 (Type S2A).

Sound-pressure level: The A-weighted sound-pressure level, expressed in decibels (dBA), measured on a sound-level meter.

(Ord. of 1-96; Ord. of 10-00)

Sec. 16-103. Noise measurement procedures.

For the purpose of determining noise levels as set forth in this article, the following guidelines shall be applicable:

- (a) A person conducting sound measurements shall have been trained in the techniques and principles of sound measuring equipment and instrumentation.
- (b) Instruments used to determine sound-level measurement shall be sound-level meters as defined by this article.
- (c) The following steps should be taken when preparing to take sound-level measurements:
 - (1) The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
 - (2) Measurements to determine compliance with section 16-105 shall be taken at a point that is located more or less one foot beyond the property line of the noise emitter's premises and within the noise receptor's premises.

(Ord. of 1-96)

Sec. 16-104. Classification of noise zones.

Noise zones within the City of New Britain shall be classified as to zoning applicable for the parcel or tract of land and the surrounding parcels or tracts. Noise zones specified herein shall correspond to the following zoning descriptions in the zoning ordinances and zoning map of the City of New Britain.

TABLE INSET:

Zone	Actual or Intended Use	Current Zoning**
A	Residential	S-1, S-2, S-3, T, A-1, A-2, A-3, RO
B	Commercial	OP, B-1, B-2, B-3, B-4, TP
C	Industrial	I-1, I-2, I-3

**Note: Based on the zoning ordinances and zoning map of the City of New Britain.

(Ord. of 1-96)

Sec. 16-105. Noise standards.

- (a) It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises in excess of the following noise levels:

TABLE INSET:

Emitter Noise Zone	Receptor Noise Zone Class			
	C	B	A-Day	A-Night

Class C	70 dBA	66 dBA	61 dBA	51 dBA
Class B	62 dBA	62 dBA	55 dBA	45 dBA
Class A	62 dBA	55 dBA	55 dBA	45 dBA

- (b) Notwithstanding subsection (a) of this section, it shall be unlawful for any person to emit or cause to be emitted from a residence any noise that is audible more than three hundred (300) feet beyond the property lines of his/her premises during daytime hours or more than one hundred (100) feet beyond the property lines of his/her premises during nighttime hours.

(Ord. of 1-96; Ord. of 10-00)

Sec. 16-106. Exceptions.

- (a) This article shall not apply to noise emitted by or related to:
- (1) Natural phenomena.
 - (2) Any bell or chime from any building clock, school, or church.
 - (3) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm system in an emergency situation.
 - (4) A public emergency sound system.
 - (5) Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.
 - (6) Farming equipment or farming activity.
 - (7) An emergency.
 - (8) Snow removal equipment and sanding and sweeping of streets, sidewalks and parking lots.
- (b) The following shall be exempt from this article, subject to special conditions as specified:
- (1) Noise generated by any construction equipment which is operated during daytime hours, provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in section 16-105 of this article.
 - (2) Noise from domestic power equipment during daytime hours.
 - (3) Noise from demolition work conducted during daytime hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this article.
 - (4) Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.
 - (5) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the city, including but not limited to parades, sporting events, concerts and fireworks displays.
 - (6) Noise created by blasting, other than that conducted in connection with

construction activities, shall be exempted provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time, at specified hours previously announced to the local public and provided that a permit for such blasting has been obtained from local authorities.

- (7) Noise created by leaf, refuse and solid waste collection, provided that the activity is conducted during daytime hours.
- (8) Noise created by fire or intrusion alarm shall, from time of activation of the audible signal, emit noise for a period of time not exceeding ten (10) minutes when such alarm is attached to a vehicle or thirty (30) minutes when attached to any building or structure.
- (9) Noise generated by engine-powered or motor-driven lawn care or maintenance equipment on Class A property between the hours of 8:00 a.m. and 9:00 p.m., provided that noise discharged from exhausts is adequately muffled to prevent loud noises therefrom.
- (10) Public-address systems used in election campaign activities during daytime hours only.

(Ord. of 1-96; Ord. of 10-00)

Sec. 16-107. Vehicle noise restrictions.

The following activities are prohibited:

- (a) *Motor vehicle noise.* All motor vehicles operated within the limits of the City of New Britain shall be subject to the noise standards and decibel levels set forth in the regulations authorized in section 14-80a of the Connecticut General Statutes.
- (b) *Motor vehicle sound-amplifying devices.* No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in subsection (a) of section 16-105.
- (c) *Unregistered recreational vehicle noise.* No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of an unregistered recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this article when the noise so generated exceeds the noise level standards set forth in subsection (a) of section 16-105 or is audible more than one hundred (100) feet from said vehicle.
- (d) Notwithstanding subsections (a), (b) and (c) of this section, it shall be unlawful for any person to emit or cause to be emitted from a motor vehicle any noise other than the noise from the vehicle's engine that is audible more than three hundred (300) feet from said vehicle during daytime hours or more than one hundred (100) feet from said vehicle during nighttime hours.

(Ord. of 1-96; Ord. of 10-00)

Sec. 16-108. Penalties for offenses.

- (a) Any person in violation of any of the sections of this article shall be fined in an amount not to exceed fifty dollars (\$50.00). Each day that such violation continues after the time

for correction of the violation given in an order shall constitute a continuing violation, and the amount of the fine for each day after the first shall be ninety-nine dollars (\$99.00).

- (b) Notwithstanding subsection (a) of this section, any person in violation of section 16-107 of these ordinances shall be fined ninety-nine dollars (\$99.00) per instance of violation.

(Ord. of 1-96; Ord. of 10-00)

Sec. 16-109. Variances.

- (a) Any person living or doing business in the City of New Britain may apply to the board of police commissioners for a variance of one or more of the provisions of this article which are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided that the applicant supplies all of the following information to the chief of police at least twenty (20) days prior to the start of the activity for which the variance is sought:
 - (1) The location and nature of the activity;
 - (2) The time period and hours of operation of said activity; and
 - (3) The nature and intensity of the noise that will be generated.
- (b) No variance from this article shall be granted unless it has been demonstrated that:
 - (1) The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations;
 - (2) The noise levels generated by the proposed activity will not constitute a danger to the public health; and
 - (3) Compliance with this article constitutes an unreasonable hardship on the applicant.
- (c) The application for a variance shall be reviewed and approved or rejected at least five (5) days prior to the start of the proposed activity. Approval or rejection shall be made in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.
- (d) Failure to rule on an application within the designated time shall constitute approval of the variance.

(Ord. of 1-96; Ord. of 10-00)

Sec. 16-109.1. More stringent provisions to apply.

All provisions of the zoning ordinances of the City of New Britain which are more stringent than those set forth herein shall remain in force. If, for any reason, any word, clause, paragraph or section of this article shall be held to make the same unconstitutional or be superseded by any state law or regulation, this ordinance shall not thereby be invalidated, and the remainder of this article shall continue in effect.

(Ord. of 1-96)

Editor's note: At the discretion of the editor, provisions enacted by an ordinance adopted in January, 1996, as § 16-110, have been redesignated as § 16-109.1 to avoid duplicative section numbering.

ARTICLE VI. INOPERABLE VEHICLES AND UNSIGHTLY MATERIALS*

***Editor's note:** This article derives from an ordinance adopted June 6, 1990, § 16-118 of which was omitted by the editor as being covered by the provisions of § 1-7, pertaining to severability.

Cross references: Garbage, trash and refuse, Ch. 11; health, Ch. 12; motor vehicles and traffic, Ch. 15; disposition of abandoned vehicles, § 15-41 et seq.

Sec. 16-110. Purpose.

The purpose of this article is to eliminate from the city unsightly materials and inoperable vehicles not under cover. These items have a blighting and deteriorating effect upon the enjoyment of properties nearby and the value of such properties and constitute a safety hazard to children in the neighborhood, and are hereby found to be a nuisance. Enforcement of this article shall be by the police department.

(Ord. of 6-90)

Sec. 16-111. Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Antique motor vehicle. A motor vehicle twenty-five (25) years old or older which is being preserved and which is not altered or modified from the original manufacturer's specifications.

Chief. The chief of police of New Britain or his designee.

Classic motor vehicle. A motor vehicle fifteen (15) to twenty-five (25) years old which is being preserved.

Graffiti. Any marking left by spray paint, ink marker or some similar means forming some identifying name, message or picture incongruous with the general decorative scheme or usual form of the structure, object or surface upon which it appears.

Inoperable. Inoperable, as used herein, shall be defined as a motor vehicle which is incapable of being legally operated on public roads without major work or modification. Missing parts or broken or severely damaged components shall be prima facie evidence of inoperability.

Inoperable motor vehicle. A motor vehicle located on private property which is inoperable. For the purpose of this definition, an inoperable motor vehicle includes iron, metal, glass, plastic, paper, cordage or other waste, or discarded or secondhand materials which have been a part or intended to be a part of any motor vehicle.

Major work or modification. Repairs and/or modifications necessary to render a motor vehicle operable, the cost of which repairs, in the reasonable opinion of the police officer, exceed five hundred dollars (\$500.00) if done by a commercial establishment.

Modified antique motor vehicle. A motor vehicle twenty-five (25) years old or older which has been modified for safe road use including, but not limited to, modifications to the drive train, suspension, braking system and safety or comfort apparatus.

Motor vehicle. Any vehicle propelled or drawn by any power other than muscular, as defined in Connecticut General Statutes section 14-1(30), as amended.

Under cover. Completely enclosed in a garage or other building serving the purpose of a garage.

Unightly material. Parts of motor vehicles as defined in this section, as well as, but not limited to, unusable and/or discarded household appliances, furniture, equipment, building materials, junk and refuse, as well as any other material which is unsanitary or causing a nuisance.

Vehicle appeals board (VAB). The vehicle appeals board shall consist of the board of police commissioners of the city.

(Ord. of 6-90; Ord. of 10-00)

Sec. 16-112. Exemptions.

The following shall be exempt from the application of this article:

- (1) Motor vehicles under cover;
- (2) Motor vehicle junkyards, licensed pursuant to Connecticut General Statutes section 14-67i, not in violation of any zoning regulations of the city;
- (3) Motor vehicles stored in a place or depository maintained in a lawful space and manner by the city;
- (4) Antique, classic, modified antique and other motor vehicles in the active process of being restored and/or repaired to operable condition, under the following conditions:
 - a. Only one such other motor vehicle shall be permitted at any time on the property;
 - b. All automobile parts used for the restoration must be stored in the vehicle or in a structure, as permitted under city zoning regulations;
 - c. Restoration and/or repair work is not to be done in the front yard or side lot areas as determined by the city's zoning regulations;
 - d. All such motor vehicles shall be covered with an opaque tarpaulin whenever work is not being performed; and
 - e. One additional inoperable motor vehicle may be maintained on the premises of such property for use as replacement parts for a similar antique, classic or modified antique vehicle being repaired. Such replacement parts vehicle may be kept on such property for a period not to exceed thirty (30) days with one thirty-day extension from the police chief allowed during any one calendar year. Storage of such vehicle will not be done in the front yard or side areas, as determined by the city's

zoning regulations, and, if such vehicle is not under cover, it shall be covered with an opaque tarpaulin whenever work is not being actively performed thereon.

- (5) Farm equipment used on a property, the principal use of which is agricultural whether for gain or private consumption either by owner or tenant, is excluded from the effect of this article. The term "farm equipment" does not include any type of motor vehicle licensed by the state for travel on the public highway except vehicles bearing farm plates. The term "farm" includes stock, dairy, poultry, fruit and truck farms.

(Ord. of 6-90)

Sec. 16-113. Violation and penalty.

Inoperable motor vehicles not under cover are prohibited within the limits of the City of New Britain. Anyone responsible for causing or permitting an inoperable motor vehicle not under cover to exist within the city shall be subject to a fine of twenty-five dollars (\$25.00) per day for each day or part thereof that the condition continues on private property for a period in excess of fifteen (15) days after a notice of violation has been served in accordance with the provisions of section 16-114(c) of this article.

Each additional day or part thereof the vehicle shall remain following the expiration of the time for removal provided for in the notice of violation shall constitute a new and separate offense, punishable under the provisions of this article.

All fines imposed pursuant to this article are deemed to be costs recoverable pursuant to section 16-116 of this article.

(Ord. of 6-90; Ord. of 4-98)

Sec. 16-114. Notice of violation; procedure for removal.

- (a) When it is determined that a motor vehicle is located for a period longer than twenty-four (24) consecutive hours on a public highway, public property, or on private property without the consent of the owner, the provisions of Connecticut General Statutes Chapter 246, Part VII, as amended, and/or Article III of Chapter 15 of the Code of Ordinances of the city shall apply.
- (b) Prior to the implementation of section 16-114(c), and when the police officer receives a complaint and determines that an inoperable vehicle is located on private property, the police officer, or the chief shall serve a written warning by personal service or certified mail, return receipt requested, to the person in possession or control of such property and the owner of such property and the owner of such vehicle, if known. The written warning shall advise the recipient of the presence of an inoperable motor vehicle on the property and that, if the motor vehicle is present on such property after the expiration often (10) days from the date of issuance of the written warning, the provisions of section 16-114(c) shall be implemented.
- (c) When a written warning has been served pursuant to section 16-114(b) and the police officer determines that an inoperable motor vehicle is still located on private property ten (10) days thereafter, the police officer, or the chief or his designee, shall serve a written

notice of violation by personal service or certified mail, return receipt requested, to the person in possession or control of such property, the owner of such property and/or the owner of such vehicle, if known, to remove such motor vehicle within fifteen (15) days after the notice of violation has been served. If such owner or person remains in violation of this article after the expiration of the time period provided in this subsection, the chief, or his designee, may remove and dispose of the motor vehicle as if such vehicle was subject to the provisions of Connecticut General Statutes section 14-145, as amended.

(Ord. of 6-90; Ord. of 4-98)

Sec. 16-115. Appeal.

Any person aggrieved by a written notice of violation of this article by a police officer shall have the right to file an appeal to the vehicles appeal board within ten (10) days of the receipt of such notice. A hearing on the appeal shall be held at the next scheduled regular meeting of the board of police commissioners, provided that an appeal shall have been filed to least fifteen (15) days prior to the date of the next scheduled regular meeting of the board of police commissioners. In the event an appeal is filed later than fifteen (15) days prior to the scheduled regular meeting of the board of police commissioners, the hearing shall be held at the next scheduled regular meeting of the board of police commissioners which is scheduled at least fifteen (15) days after the date of the filing of the appeal.

At all such hearings, the party filing the appeal shall have the burden of proving, by a preponderance of the evidence, that the motor vehicle(s) described in the notice of violation is/are not in violation of this article.

A decision of the board shall be rendered at the conclusion of the hearing unless good cause shall exist for deferring a decision.

Enforcement of this article shall be stayed during the pendency of an appeal.

When applicable, the chief or his designee shall enforce decisions of the vehicle appeals board within ten (10) days of the rendering of the decision.

(Ord. of 6-90; Ord. of 4-98)

Sec. 16-116. Cost of removal.

The city shall have the right to collect from any owner of an inoperable motor vehicle, or from the person in possession or control, or owner of the property where such motor vehicle is located, who is in violation of this article, the costs incurred in removing and/or disposing of the inoperable motor vehicle. A bill for the city's costs of removal and disposal shall be promptly sent by the police department to the appropriate person. Such costs shall be reduced by any net proceeds of any sale of such motor vehicle. Where the full amount of costs due the city is not paid by the appropriate person within thirty (30) days after the bill for such costs has been submitted, the city may file an action in the appropriate court against any such person to recover all costs remaining unpaid, including reasonable attorney fees.

(Ord. of 6-90)

Sec. 16-117. Unsightly materials.

No person shall deposit or cause to be deposited on his own land or shall permit to remain on his own land or land that is in his custody or under his care any unsightly material for a period exceeding fifteen (15) days. Sections 16-113, 16-114(b), 16-114(c), 16-115 and 16-116 as violation, penalty, notice of violation, procedure for removal, appeal and costs, respectively, shall also apply to this section.

(Ord. of 6-90)

Secs. 16-118, 16-119. Reserved.

ARTICLE VII. CURFEW FOR MINORS.

Sec. 16-120. Purpose and findings.

The common council has found that the incidence of crimes committed by and against minors or juveniles is increasing and has determined that a curfew ordinance is necessary and desirable in order to:

- (1) Protect minors from each other and other persons on the street during nocturnal hours;
- (2) Assist the police in crime prevention;
- (3) Promote parental supervision and authority over minors;
- (4) Protect the public from nocturnal crime and mischief by minors;
- (5) Promote the furtherance of family responsibility and for the public good, safety and welfare.

(Ord. of 2-74)

Sec. 16-121. Definitions.

For the purpose of this article, the following terms, phrases, words and their derivation shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number, the plural number. The word "shall" is always mandatory and not merely directory.

City is the City of New Britain with administrative offices at 27 West Main Street, New Britain, Connecticut 06051.

Custodian is a person over the age of eighteen (18) who has been authorized by the parent of a minor to take the parent's place in accompanying said minor for a designated period of time and purpose within a specified area.

Minor or *juvenile* is any person under the age of sixteen (16) or any person fifteen (15) or less years of age.

Nocturnal hours shall mean the hours between 10:00 p.m. and 5:00 a.m. based upon the prevailing time, i.e., Eastern Standard Time or Eastern Daylight Savings Time, within the city.

Parent is any person having legal custody of a minor (1) as a natural or adoptive parent, (2) as a legal guardian, or (3) as a person to whom legal custody has been given by order of a court.

Public place shall mean any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A public place shall include but not be limited to any store, shop, restaurant, tavern, bowling alley, cafe, theater, drugstore, pool room, shopping center and any other place devoted to amusement, entertainment or accommodation of the general public. It shall also include the front or immediate area of such premises.

Remain means to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregation of groups (or on interacting of minors) totalling four (4) or more persons in which any minor involved would not be using the streets for ordinary or serious purposes, such as mere passage or going home. To implement that thought with additional precision or precaution, numerous exceptions are expressly defined in section 16-122, so that this is not a mere prohibitory or presence type curfew ordinance.

(Ord. of 2-94)

Sec. 16-122. Violations of curfew.

It shall be unlawful for any minor to remain, idle, wander, stroll, or be in any public place either on foot or in a vehicle between the hours of 10:00 p.m. and 5:00 a.m. unless accompanied by a parent, or by a duly authorized custodian, except that a minor may be in a public place under the following circumstances:

- (1) While returning home by a direct route, and within a reasonable time following the termination of a special function or activity conducted by a school, church, club, recreational or other organization sponsoring a function or activity for minors;
- (2) While on an emergency errand or specific business or activity directed or permitted by the parent of such minor;
- (3) While returning home by a direct route, and within a reasonable time of leaving a place where such minor is employed;
- (4) While attending or travelling directly to or from an activity involving the exercise of first amendment rights of free speech, freedom of assembly or free exercise of religion;
- (5) When a minor, with parental consent, is in a motor vehicle engaged in bona fide interstate travel;
- (6) When a minor is on the property or the sidewalk directly adjacent to where such minor resides or the property immediately adjacent thereto if the owner of the adjacent property does not communicate an objection to the minor or the police officer.

(Ord. of 2-94)

Sec. 16-123. Parental responsibility.

It shall be unlawful for the parent of a minor to knowingly permit or by insufficient control to allow a minor to be or remain in a public place under circumstances not constituting an exception to, or otherwise beyond the scope of, this article. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in the legal custody of the parent.

(Ord. of 2-94)

Sec. 16-124. Police procedures.

- (a) A police officer who has probable cause to believe that a minor is in violation of this article shall:
 - (1) Ascertain the name of the minor;
 - (2) Verbally warn the minor that the minor is in violation of this article;
 - (3) Order the minor to go promptly home by a direct route.
- (b) If a minor does not heed the order of the police officer to return home or, if in the judgment of the police officer, based on the age of the minor or other attendant circumstances, it would be in the best interest of such minor, the police officer shall transport said minor to his/her home. The police officer shall advise the parent of such minor that such minor is in violation of this article and shall issue a warning to the parent of such minor that any subsequent violation will result in a full enforcement of this article, including enforcement of parental responsibility and applicable penalties.
- (c) Notwithstanding paragraph (a) of this section, a police officer who has probable cause to believe that the minor is in violation of this article shall transport the minor to the police department if the police officer has reasonable cause to believe that the minor has engaged in delinquent conduct.
- (d) When a minor is taken to the police department, the minor's parent shall be immediately contacted and requested to come to the police department to pick up the minor. The police officer shall advise the parent that the minor is in violation of this article and shall issue a warning to the parent that any subsequent violation will result in full enforcement of this article, including enforcement of parental responsibility and applicable penalties. If the parent is unavailable, or unable to pick the minor up, the police officer shall transport the minor home or turn said minor over to the custody of the appropriate juvenile authorities.
- (e) If the police officer is unable to advise the parent of the violation of the ordinance and/or to issue the warning as set forth in subsections (b) or (d) of this section in person, the chief of police or his/her designee shall send a certified letter to the parent of such minor advising such parent of the violation and including a warning with respect to any subsequent violations.

(Ord. of 2-94)

Sec. 16-125. Penalties.

Inasmuch as it is the primary intent of this article to assure that minors are provided with appropriate parental supervision for their own protection and for the protection of the

community, the penalties for violation(s) are intended to be corrective rather than punitive in nature. Accordingly, if after a warning notice pursuant to section 16-124, a parent of a minor violates section 16-123 of this article in connection with a second violation by such minor, the youth bureau of the police department shall make a referral to the appropriate juvenile authorities of the State of Connecticut for an investigation with respect to whether said minor is (a) beyond the control of his/her parent or (b) neglected.

(Ord. of 2-94)

Sec. 16-126. Construction and severability.

Severability is intended throughout and within the provisions of this article. If any provision, including, inter alia, any exception, part, phrase or term or the application to any person or circumstances is held to be invalid, other provisions or the application to other persons or circumstances shall not be affected thereby. It is intended that the ordinance would not be applied where its application would be unconstitutional.

(Ord. of 2-94)

Secs. 16-127--16-129. Reserved.

ARTICLE VIII. DEVELOPMENT ASSISTANCE ACCOUNTABILITY

Sec. 16-130. Definitions.

As used in sections this article:

- (a) *Administering authority* means the awarding authority, except that when the awarding authority is the common council or a volunteer board or commission, the administering authority shall be the city director of finance or such other city office or agency as the mayor shall deem appropriate.
- (b) *Assistance period* means the length of time over which a business shall be held responsible for fulfilling requirements of this chapter. The assistance period shall be:
 - (1) One year for every five thousand dollars (\$5,000.00) of development assistance provided as grants;
 - (2) The term of repayment of any development assistance provided as loans;
 - (3) One year for every ten thousand dollars (\$10,000.00) of development assistance provided as loan guarantees; and
 - (4) Twice the period of any tax abatement or deferral.

Notwithstanding any other provision of this subsection, the maximum assistance period shall be twenty (20) years.

- (c) *Awarding authority* means the city assessor, the mayor, the common council or any other office, agency or entity authorized or acting to provide development assistance to a business.
- (d) *Development assistance* means any grant, loan, loan guarantee, tax abatement, tax

deferment or combination thereof provided to a business by the city valued, in aggregate, at no less than twenty-five thousand dollars (\$25,000.00), but shall not include funds administered by the department of municipal development nor tax abatements provided to incubator businesses pursuant to subsection (q) of section 22-10.

- (e) *Effective wage* means, for a worker not paid on an hourly basis, his/her income from the employer in question for the most recent full pay period divided by the number of hours he/she worked during that pay period.
- (f) *[Living wage.]* The living wage shall be equal to the living wage defined in section 2-625.
- (g) *[Living wage phase-in.]* In the first year of the assistance period, the "living wage phase-in" shall be equal to the state minimum wage. In the second year of the assistance period, the "living wage phase-in" shall be the state minimum wage plus one-fifth of the difference between the living wage and the state minimum wage. In the third year of the assistance period, the "living wage phase-in" shall be the state minimum wage plus two-fifths of the difference between the living wage and the state minimum wage. In the fourth year of the assistance period, the "living wage phase-in" shall be the state minimum wage plus three-fifths of the difference between the living wage and the state minimum wage. In the fifth year of the assistance period, the "living wage phase-in" shall be the state minimum wage plus four-fifths of the difference between the living wage and the state minimum wage. In the sixth year, the employer shall be required to pay at least the living wage. The living wage phase-in shall only apply to businesses that form and commence operations during the year that the development assistance is provided.
- (h) *Tax abatement* means any decision by the city to reduce the amount of property taxes owed by a business.
- (i) *Tax deferral* means any decision by the city to allow a business to delay payment of property taxes for a certain period of time or until a certain event occurs.
- (j) *Business* means an enterprise with an owner or owners who may receive profit from the operation of the business.

(No. 26702-1, 10-24-01)

Sec. 16-131. Objectives.

The city's public policy objectives, in granting development assistance, shall be to increase the economic vitality and quality of life in the City of New Britain, using strategies which include, but need not be limited to, retaining existing businesses in the city; retaining existing jobs in the city; expanding the level of economic activity by existing businesses in the city; expanding employment opportunities with existing businesses in the city; attracting new jobs to the city; providing jobs for underemployed persons, laid-off workers and public assistance recipients; increasing, enhancing and updating the capacity of businesses in the city; increasing, enhancing and updating employee skills and employee training in the city; increasing city tax revenues; and providing other benefits to the community, citizens and employees.

(No. 26702-1, 10-24-01)

Sec. 16-132. Development assistance.

No business shall receive any development assistance from the city unless it has signed a contract with the city providing that the business agrees that it shall comply with the applicable provisions of sections 16-130 to 16-134, inclusive, and that it shall, during the assistance period, either:

- (a) Pay all of its workers in New Britain a wage or effective wage that is equal to or higher than the lower of the living wage or the living wage phase-in; or
- (b) Comply with cost-benefit standards provided for by the common council.

(No. 26702-1, 10-24-01)

Sec. 16-133. Requirements of businesses receiving assistance.

- (a) Notwithstanding any other provisions of the Code of Ordinances, any business receiving development assistance of a projected cost to the city of at least twenty-five thousand dollars (\$25,000.00) shall, should need arise during the assistance period for the business to hire workers to perform work within the city or within ten (10) miles of the boundaries of the city, the business shall mail to each local job agency provided pursuant to sections 2-625 and 2-628 a notice of the job opening(s) at least two (2) business days prior to the date that any final hiring decision is made. Each such notice shall include a description of the work to be performed, the pay and benefits to be paid for such work and the date(s), time(s), place(s) and manner by which one may apply for such employment, including any application form(s) that may be used. The business shall also agree to give first preference to hiring any person referred by a local job agency whose qualifications are at least equal to those of all other applicants. This shall not apply when an employer is hiring someone from within their current organization.
- (b) Each company receiving development assistance shall inform employees who might be eligible of their possible right to the federal Earned Income Credit ("EIC") under Section 32 of the Internal Revenue Code of 1954, 26 U.S.C. Section 32, and shall make available to employees forms informing them about the EIC and forms required to secure advance EIC payments from the employer.

(No. 26702-1, 10-24-01)

Sec. 16-134. Right of refusal.

Notwithstanding any other provision of the Code of Ordinances, any business which would otherwise be eligible for development assistance from the city may refuse such development assistance, in which case the city shall not provide such development assistance to said business.

(No. 26702-1, 10-24-01)

Chapter 17 PARKS AND RECREATION*

*Cross references: Board of public works, § 2-166 et seq.; amusements, Ch. 5; flood and